

**ENTERED**

July 25, 2018

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION**

ERIC FLORES,  
Petitioner,

v.

LORIE DAVIS, *et al.*,  
Respondents.

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Civil Action No. 1:18-cv-00070

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Before the Court is "Magistrate Judge's Report and Recommendation" (hereafter "R&R") (Docket No. 6). The R&R recommends that Eric Flores' (hereafter "Petitioner") "Prisoner's Civil Rights Complaint" (hereafter "Petitioner's Complaint") (Docket No. 1) be dismissed with prejudice, and recommends ordering the Clerk of Court to refrain from docketing Petitioner's future filings unless Petitioner obtains leave of court. *See* Docket No. 6 at 3-4.

On June 29, 2018, Petitioner filed "Objection to Magistrates [sic] Report and Recommendation to Dismiss Case [sic]" (hereafter "Petitioner's Objection") (Docket No. 8), arguing the "imminent danger of serious bodily injury" exception under 28 U.S.C. § 1915(g) precludes dismissal of "Petitioner's Complaint" and his "Application to Proceed In Forma Pauperis" (Docket No. 2). Docket No. 8 at 5-6. Section 1915(g) states as follows:

In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. § 1915(g). Petitioner's Objection reasserts frivolous and "fanciful allegations" addressed by the Fifth Circuit Court of Appeals<sup>1</sup> in Petitioner's previous adjudications; the

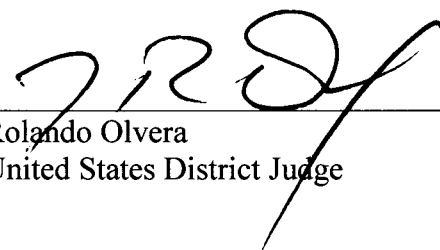
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<sup>1</sup> *See Flores v. Unknown Defendants*, 713 Fed. App'x 419, 419 (5th Cir. 2018) (sanctioned Petitioner for raising frivolous and repetitive pleadings on appeal, and barred Petitioner from filing any pleading within its jurisdiction without Petitioner first obtaining leave of court); *Flores v. Moore*, 700 Fed. App'x 367, 367 (5th Cir. 2017) (same).

imminent danger exception is not applicable to the frivolous allegations in Petitioner's Complaint and Objection.<sup>2</sup> Thus, Petitioner's Objection is **OVERRULED**.

Therefore, after a de novo review of the file, the "Magistrate Judge's Report and Recommendation" (Docket No. 6) is **ADOPTED**. The Clerk of the Court is **ORDERED** to close this case. The Clerk of the Court is further **ORDERED** to refrain from docketing future filing by Petitioner Flores unless he obtains leave of Court.

Signed on this 25<sup>th</sup> day of July, 2018.

  
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Rolando Olvera  
United States District Judge

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<sup>2</sup> Among other delusional allegations, Petitioner alleges officials "unlawfully execut[ed] the petitioner by electric chair execution" and "caus[ed] the death of the petitioners [sic] entire family household." Docket No. 8 at 4.